

By McKnight

S.B. 1137

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of irrigators and installers of irrigation systems; amending Sections 1, 5(a) and (b), 8(a), and 12(a), Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1, Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. DEFINITIONS. In this Act:

"(1) 'Person' means a natural person.

"(2) 'Board' means the Texas Board of Irrigators.

"(3) 'Executive director' means the executive director of the Texas Department of Water Resources.

"(4) 'Executive secretary' means the executive secretary of the board.

"(5) 'Commission' means the Texas Water Commission.

"(6) 'Irrigation system' means an assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control.

"(7) 'Irrigator' means a person who sells, designs,

1 consults, installs, maintains, alters, repairs, or services
2 an irrigation system including the connection of such system
3 in and to a private or public, raw or potable water supply
4 system or any water supply. The term does not include
5 (a) a person who assists in the installation, maintenance,
6 alteration, repair, or service of an irrigation system under
7 the direct supervision of a licensed irrigator, and
8 (b) an owner of a business that regularly employs a licensed
9 irrigator who directly supervises the business's sale, design,
10 consultation, installation, maintenance, alteration, repair,
11 and service of irrigation systems.

12 "(8) [47] 'Licensed irrigator' means an irrigator who
13 is [a-person] licensed under this Act [who-maintains-a-regular
14 place-of-business-and-who-by-himself-or-herself-or-through-a
15 person-in-his-or-her-employ-sells,-designs,-consults,-installs,
16 maintains,-alters,-repairs,-or-services-an-irrigation-system
17 or-yard-sprinkler-system-including-connections-in-and-to-a
18 private-or-public-raw-or-potable-water-supply-or-water-supply
19 system].

20 "(9) 'Installer' means a person who actually connects
21 an irrigation system to a private or public, raw or potable
22 water supply system or any water supply.

23 "(10) [48] 'Licensed installer' means an installer who
24 is licensed under this Act [a-person-who-performs-the-actual
25 connection-to-private-or-public-raw-or-potable-water-supply
26 systems]."

27 Sec. 2. Sections 5(a) and (b), Chapter 197, Acts of the

1 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil
2 Statutes), are amended to read as follows:

3 "(a) The board may employ an executive secretary [approved
4 ~~by-the-executive-director~~] to perform the duties and functions
5 provided by this Act and as directed by the board. The execu-
6 tive secretary may employ necessary staff approved by the
7 board to assist the executive secretary and the board in the
8 administration of this Act.

9 "(b) The executive director shall provide additional
10 necessary personnel as available to assist the executive
11 secretary and the board in performing their duties and func-
12 tions under this act."

13 Sec. 3. Section 8(a), Chapter 197, Acts of the 66th
14 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes),
15 is amended to read as follows:

16 "(a) No person may act as an [~~a-licensed~~] irrigator or
17 [~~licensed~~] installer unless he or she has a valid certificate
18 of registration under this Act."

19 Sec. 4. Section 12(a), Chapter 197, Acts of the 66th
20 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes),
21 is amended to read as follows:

22 "(a) A person who represents himself or herself as a
23 licensed irrigator or licensed installer in this state without
24 being licensed [~~registered~~] or exempted under this Act, who
25 presents or attempts to use as his or her own the certificate
26 of registration or the seal of another person who is a licensed
27 irrigator or licensed installer, who gives false or forged

1 evidence of any kind to the board or to any member of the
2 board in obtaining or assisting in obtaining for another a
3 certificate of registration, or who violates a provision of
4 this Act or a rule adopted under this Act shall be guilty
5 of a Class C misdemeanor. Each day a violation of this sub-
6 section occurs constitutes a separate offense."

7 Sec. 5. EMERGENCY. The importance of this legislation
8 and the crowded condition of the calendars in both houses
9 create an emergency and an imperative public necessity that
10 the constitutional rule requiring bills to be read on three
11 several days in each house be suspended, and this rule is
12 hereby suspended, and that this Act take effect and be in
13 force from and after its passage, and it is so enacted.

Relating to the regulation of irrigators and installers of irrigation Systems; and declaring an emergency.

Filed with the Secretary of the Senate

MAR 24 1981

Read, referred to Committee on NATURAL RESOURCES

Reported favorably. _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed. _____

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.
{ _____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

Read second time and $\left\{ \begin{array}{l} \text{ordered engrossed.} \\ \text{passed to third reading.} \end{array} \right.$

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Engrossed

Sent to House

ENGROSSING CLERK

_____ Received from the Senate

_____ Read first time and referred to Committee on _____

_____ Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

_____ Sent to Committee on Calendars _____

_____ Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays

_____ Present, not voting.

_____ Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.

_____ Read third time (amended); finally passed (failed) by a
(Non-Record Vote) Record Vote of _____ yeas _____ nays
_____ present not voting.

_____ Caption ordered amended to conform to body of bill.

_____ Returned to Senate.

Chief Clerk of the House